

BRIAN M. BOYTON
Principal Deputy Assistant Attorney General
ALEXANDER K. HAAS
Director, Federal Programs Branch
TERRY M. HENRY
Assistant Branch Director
ANDREW E. CARMICHAEL
MICHAEL J. GERARDI
Senior Trial Counsel
ANDREW J. RISING
Civil Division, Federal Programs Branch
U.S. Department of Justice
1100 L St., N.W.
Washington, D.C. 20005
Telephone: (202) 616-0680
E-mail: michael.j.gerardi@usdoj.gov

Counsel for Defendants

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VIKRAM VALAME,

Plaintiff,

v.

JOSEPH R. BIDEN, President of the United
States, *et. al.*,

Defendants.

CASE NO. 5:23-cv-3018 NC

**STIPULATED REQUEST AND
[PROPOSED] ORDER TO VACATE
CASE MANAGEMENT
CONFERENCE**

Pursuant to Local Rules 6-2 and 7-12, Plaintiff and Defendants in the above-captioned cases jointly request that the Case Management Conference scheduled for September 20, 2023 be continued, and that the September 13, 2023 deadline for submitting a Case Management Statement, be vacated and removed from the Court's calendar. The parties stipulate and agree as follows:

1. Plaintiff filed the operative complaint in this case on June 20, 2023. Upon filing the complaint, the Court ordered the parties to submit a Case Management

1 Statement on September 13, 2023, and scheduled a Case Management Conference
2 for September 20, 2023. ECF No. 2.

3 2. Plaintiff served the U.S. Attorney's Office with a copy of the complaint and
4 summons on July 10, 2023. Accordingly, Defendants' deadline to answer or
5 otherwise respond to the complaint is September 8, 2023.

6 3. Good cause exists to continue the currently scheduled case management deadlines.
7 Defendants intend to file a motion to dismiss the complaint on or before September
8 8, 2023. This motion may eliminate the need for further proceedings in this case,
9 or substantially narrow the scope of the Plaintiff's claims. Until the motion is
10 ruled upon, the parties cannot meaningfully develop a case management plan as
11 directed by Local Rule 16-10.

12 4. If any of Plaintiff's claims survive Defendants' motion to dismiss, the parties
13 propose submitting a Case Management Statement thirty days after the Court
14 decides the motion to dismiss. The Court may then schedule a Case Management
15 Conference, if necessary, at the convenience of the Court and the parties.

16 5. Approving this stipulation would not impact any other deadlines in this case.
17 Should the Court conclude that some or all of Plaintiff's claims survive a motion
18 to dismiss, it may revisit case management procedures at that time.

19 6. Defendants conferred with Plaintiff, via e-mail, on August 14, 2023 about this
20 stipulation. Plaintiff gave Defendants his consent to file a stipulation to vacate the
21 case management conference deadlines. The parties agree that this stipulation
22 would not prejudice Plaintiff's ability to present facts should the need to resolve a
23 factual dispute arise in the future.

24 7. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendants has submitted
25 a declaration in support of this stipulation.

26 A proposed order is attached.
27
28

DATE: August 24, 2023

/s/Vikram Valame

Vikram Valame

4039 2nd St.

Palo Alto, CA 94306

vik.valame@gmail.com

Respectfully submitted,

BRIAN M. BOYTON

Principal Deputy Assistant Attorney
General

ALEXANDER K. HAAS

Director, Federal Programs Branch

TERRY M. HENRY

Assistant Branch Director

/s/Michael J. Gerardi

MICHAEL J. GERARDI

ANDREW E. CARMICHAEL

Senior Trial Counsel

ANDREW J. RISING

Trial Attorney

Civil Division, Federal Programs Branch

U.S. Department of Justice

1100 L St., N.W.

Washington, D.C. 20005

Telephone: (202) 514-3346

E-mail: michael.j.gerardi@usdoj.gov

Counsel for Defendants

DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this stipulation are true and correct to the best of my knowledge.

/s/Michael J. Gerardi

Michael J. Gerardi

Senior Trial Counsel